

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CARTRETTE,

Petitioner

v.

COMMONWEALTH OF  
PENNSYLVANIA, et al.,

Respondents.

CIVIL ACTION NO. 3:CV-14-776

(Judge Kosik)

FILED  
SCRANTON

AUG - 7 2014

PER 9  
DEPUTY CLERK

ORDER

AND NOW, this 7<sup>th</sup> day of August, 2014, IT APPEARING TO THE  
COURT THAT:

- (1) Petitioner, John Cartrette, a prisoner confined at the State Correctional Institution Smithfield, Huntingdon, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 on April 22, 2014;
- (2) In his petition, petitioner raises claims regarding the imposition and time of his sentence and ineffective assistance of counsel;
- (3) The action was assigned to Magistrate Judge Thomas M. Blewitt for Report and Recommendation;
- (4) On July 18, 2014, the Magistrate Judge issued a Report and Recommendation (Doc. 11), wherein he recommended that the petition for writ of habeas corpus be dismissed without prejudice;
- (5) Specifically, the Magistrate Judge found that the petitioner failed to exhaust his claims in state court, and they are procedurally defaulted;
- (6) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(8) We have considered the Magistrate Judge's Report and we concur with his recommendation.

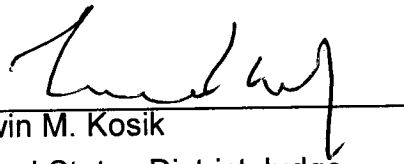
ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated July 18, 2014 (Doc. 11) is **ADOPTED**;

(2) The petitioner's petition for writ of habeas corpus is **DISMISSED** without prejudice;

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Order to the Magistrate Judge; and,

(4) Based on the court's conclusions herein, there is no basis for the issuance of a certificate of appealability.

  
Edwin M. Kosik  
United States District Judge